

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

WESLEY SHORT #1060702	§	
v.	§	CIVIL ACTION NO. 6:08cv98
OIG BETO UNIT, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Wesley Short, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Short says that “the equipment” is causing him to suffer bodily injury and torture. He says that the Office of the Inspector General at the Beto Unit has been monitoring him with a transmitter resistor, satellite wire, a “bug wire-tap,” using audio and video, with a “forensic ex-military cutting edge military satellite.” He hears the voices of his family members in the air in his cell, and so he believes that “the equipment” has recorded their voices during visits. Short states that “the equipment” lets other people read his thoughts and allows him to hear other people’s thoughts, including the “sick thoughts” of pedophiles, rapists, and murderers. He states that the Beto Unit has had a number of corrupt officials in the past, pointing to instances in which wardens were convicted of child molestation or were found bringing drugs into the prison.

After review of the pleadings, the Magistrate Judge issued a Report on April 17, 2008. The Magistrate Judge stated that claims may be dismissed as factually frivolous where the facts alleged rise to the level of the irrational or wholly incredible, and that this situation exists in this

case; Short alleges that prison officials have equipment with thought-reading and other capabilities which do not exist in modern technology. The Magistrate Judge stated that Short's pleadings are fanciful and dissociated from reality, and that "to recount the characteristics and history of this inmate's litigation is to foreshadow what we must do with it." The Magistrate Judge therefore recommended that the lawsuit be dismissed with prejudice.

Short filed objections to the Magistrate Judge's Report on May 2, 2008. In his objections, he says that his rights were violated because the Magistrate Judge did not appoint him counsel before entering the Report and Recommendation. Short says that the illegal electronic recordings represent an invasion of his privacy, and asks that a professional investigation be undertaken by conducting an electronic sweep. In an attached letter, Short says that he does not suffer from mental illness and is taking no medications for any such illness, and that Officer Dan Ferguson has told him that he, Ferguson, also suffers headaches as a result of the equipment. He asks that a wiretap specialist be brought in to conduct the sweep and discusses instances in which the equipment was used to harass him; on one occasion, Short says, he was called to the chaplain's office and told that his father had suffered a heart attack, and when he returned to his cell, he could hear his father's voice, being punched, stabbed, and kicked, in "surround sound." Short says that his privacy is being invaded and that he has "no peace of mind." The Magistrate Judge accurately characterized Short's pleadings as factually frivolous, and Short's objections are patently without merit.

The Court has conducted a careful *de novo* review of the pleadings and documents in this case, including the plaintiff's complaint, the Report of the Magistrate Judge, the Plaintiff's objections thereto, and all other pleadings, documents, and records in the case. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

**So ORDERED and SIGNED this 13th day of May, 2008.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**